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Tafoya guilty on assault count

Jury clears Ex-Green Beret on murder-attempt charge

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FORT COLLINS — After four weeks of often sensational testimony touching on the CIA and Libya, a jury here Friday found Eugene Tafoya innocent of attempted murder but guilty of misdemeanor assault in the 1980 shooting of Libyan dissident Faisal Zagallai.

Two hours after the verdict, Tafoya emerged from the Larimer County Jail free on \$5,000 bond. Moments later, the former Green Beret was sipping a gin and tonic in a Fort Collins nightclub.

His sentencing for the class I misdemeanor is set Jan. 5.

He also was convicted of conspiracy to commit third-degree assault.

The verdict followed three days of deliberations during which jurors said only one of their members ever considered convicting Tafoya of the attempted first-degree murder charge. The problem, they said, was Zagallai's credibility.

Zagallai appeared to be furious at the verdict. As the 36-year-old doctor of sociology left the courtroom, he said, "I think there's some hidden hand behind the whole god-damned trial."

He said the jury had condoned terrorism.

To the obvious amazement of his lawyers, Tafoya himself did not seem pleased by the verdict. A sheriff's officer who escorted the hefty, 23-year military veteran back to the Larimer County Jail before his release said Tafoya "thought he should've hit a home run."

Tafoya — who could have received 24 years in prison if convicted of the major offense — now faces a maximum of two years in county jail.

However, with one day off for good behavior for each day served, the total time Tafoya might spend behind bars is one year. Since he's already spent seven months in jail, Tafoya probably will see little more of life there.

Juror Gene Webb of Loveland said he and fellow jurors doubted some of Zagallai's testimony.

Said Webb: "We thought there was something he wasn't telling us."

Jury foreman Gary Thornberg said, "We had some real problems with Mr. Zagallai's testimony."

Webb said he decided Tafoya had been ordered to go to Fort Collins — probably by the Libyan government — to "rough up" Zagallai, not to kill him. Thornberg echoed that theme, saying Tafoya had come here to deliver "a strong warning which included the assault."

However, Tafoya's credibility was equally as suspect with the jury. Jurors said they didn't believe Tafoya's claim that he worked for the CIA, that he had no criminal intent when he arrived at Zagallai's apartment, and that he was forced to shoot in self-defense.

Since it rejected much of the testimony of the two key witnesses, the jury decided the case primarily on circumstantial evidence.

Jurors said they believed that had Tafoya intended to kill, he would have succeeded. They said Tafoya's activities here around the time of the Oct. 14, 1980, shooting didn't indicate he was a hit man.

For instance, Tafoya registered in a motel here in his own name, used a small-caliber gun traceable to himself, didn't try to disguise his identity and left a battery of eyewitnesses.

Jurors complained that there was a vacuum in the case — a vacuum created when prosecutors declined to present testimony about former CIA operative Edwin P. Wilson.

Tafoya admitted working for Wilson in Libya, and prosecutors believed the Zagallai shooting had been ordered by Wilson, who is now a Libyan agent.

Thornberg said he would've liked to have heard more about Wilson and that all the jurors "would've have liked to have asked Gene Tafoya more questions."

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